

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STELLIA LIMITED, a Maltese limited
liability company; and STELLIA, LTD., a
Nevada limited liability company,

Plaintiff,

vs.

B+S CARD SERVICE GmbH, a German
limited liability company,

Defendants.

Case No.: 2:12-cv-01099-GMN-PAL

ORDER

Pending before the Court is Plaintiffs' Request to the Court (ECF No. 61), asking whether the Court wishes to entertain or grant Plaintiffs' Motion for Reconsideration under Rule 60(b)(2) based on newly discovered evidence. Defendant B+S Card Service GmbH filed a Response (ECF No. 65) and Plaintiffs filed a Reply (ECF No. 67).

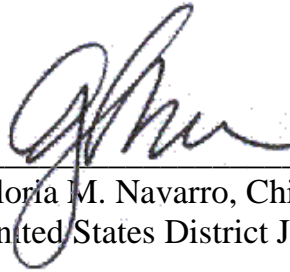
Generally, a notice of appeal divests this Court of jurisdiction to hear a motion brought pursuant to Rule 60(b). *See G.C. & K.B. Investments, Inc. v. Wilson*, 326 F.3d 1096, 1101 n. 2 (9th Cir. 2003). However, the Ninth Circuit has crafted a procedure to allow for a remand to the trial court when facts arise which would allow for relief under Rule 60(b) after an appeal has been taken. *See Williams v. Woodford*, 384 F.3d 567, 586 (9th Cir. 2004). Under this procedure, the party requesting review under Rule 60(b) first requests the district court whether it wishes to entertain or grant the Rule 60(b) motion. *Id.* If the court wishes to entertain the motion, the party seeking review then petitions the Ninth Circuit for a remand so that the district court may entertain the motion. *Id.*

1 Upon review of Plaintiffs' arguments, the Court concludes it does not wish to entertain
2 Plaintiffs' Rule 60(b) motion. Plaintiffs have raised no grounds upon which the Court would
3 consider modifying its prior Order (ECF No. 56). Accordingly, Plaintiffs' Request to the Court
4 is **DENIED**.

5 **IT IS HEREBY ORDERED** that Plaintiffs' Request to the Court (ECF No. 61) is
6 **DENIED**.

7 **DATED** this 9th day of October, 2014.

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Gloria M. Navarro, Chief Judge
United States District Judge